

Objection to Referee's Recommended Order

Use this form if you are objecting to a referee's recommended order.

(Form FOC 68)

Approved, SCAO

Original - Court
1st copy - Moving Party
2nd copy - Objecting Party

3rd copy - Friend of the Court
4th copy - Proof of Service
5th copy - Proof of Service

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**OBJECTION TO
REFEREE'S RECOMMENDED ORDER**

CASE NO.

Court address

Court telephone no.

Plaintiff's name, address, and telephone no. ☐ Objecting party

Defendant's name, address, and telephone no. ☐ Objecting party

v

Third party's name, address, and telephone no. ☐ Objecting party

I object to the entry of the referee's recommended order dated _____ and request a de novo hearing by the court. My objection is based on the following reason(s):

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature of objecting party

Name (type or print)

NOTICE OF HEARING

A hearing will be held on this objection before Hon. _____
Name of judge

on _____ at _____ at _____
Date Time Place

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this objection and notice of hearing on the other party(ies) by ordinary mail at the above address(es).

Date

Signature of objecting party

OBJECTION TO REFEREE'S RECOMMENDED ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|---|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | File the objection form with the clerk's office? | YES <input type="checkbox"/> |
| 4. | Mail (serve) a copy of the objection on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? | YES <input type="checkbox"/> |
| 5. | Return to the clerk's office after you mailed the objection and notice of hearing to the other party and completed the certificate of mailing? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the objection and notice of hearing form for yourself? | YES <input type="checkbox"/> |
| 7. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

You must attend the hearing on the objection.

If you cannot answer "yes" to all of the above steps, a hearing on your objection may be delayed or your objection may be dismissed.

By using this form packet you are representing yourself in a court action. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you what you want.

If you have any questions about any steps in the process, refer to pages 3 and 4 of this booklet for details.

INSTRUCTIONS FOR USING FORM FOC 68 OBJECTING TO A REFEREE'S RECOMMENDED ORDER

»» FILING AN OBJECTION

If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo (new) hearing before the judge.

1. Fill out the Objection to Referee's Recommended Order form.

Use the instructions on page 6. Type or print neatly. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the friend of the court office about getting a hearing date. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge who will be hearing the motion.

Make at least 5 copies of the form after you have filled it out.

2. File the form with the county clerk.

Take the original and 5 copies of the form to the county clerk in the county where your case is located. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 68 (with any attachments) - for the you
- 1 Copy of FOC 68 (with any attachments) - for other party
- 1 Copy of FOC 68 - for proof of service to the court
- 1 Copy of FOC 68 - for proof of service to the friend of the court

»» SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the objection and notice of hearing on the other party.

The other must be notified of the objection and hearing date at least 9 weekdays (not including holidays) before the hearing date. Serve the papers by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 68 (with any attachments) - for the other party
- 2 Copies of FOC 68 - for proof of service
- Any additional copies of FOC 68 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection and notice of hearing and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

3. Attend the hearing.

You must attend the hearing on the objection.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring a copy of the referee's recommended order and either the Order Regarding Support (Form FOC 52), Order Regarding Parenting Time (Form FOC 67), or Order Regarding Custody (Form FOC 89) with you to the hearing. Also bring all supporting papers you have any any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your objection. Use this list to bring up important points.
3. If you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's court room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the court room and tell the clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Don't interrupt any hearing in progress. Take a seat in the back of the court room and wait for your case to be called.
6. When you are called, go to the podium and clearly state the following:
 - 1) your name
 - 2) that you are representing yourself
 - 3) that you are objecting to a referee's recommended order
 - 4) the facts or reasons for your objection (**bring any supporting papers with you**)
 - 5) whether you have witnesses in court who are willing to testify

Answer the judge's questions clearly and directly. If the judge wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Don't interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. After the judge makes a decision, the party who requested the hearing is responsible for preparing the order even if it is not what was asked for. Follow the instructions for form FOC 53 or FOC 54.